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10 *Attorneys for Defendant*
11 *TOYOTA MOTOR SALES, U.S.A., INC.*
12 *and TOYOTA MOTOR CORPORATION*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 MARIANO ALANIZ, individually and)
16 on behalf of all others similarly situated,)
17 Plaintiff,)
18 v.)
19 TOYOTA MOTOR CORPORATION, et)
20 al.,)
21 Defendant.)
22)
23)
24)
25)
26)
27)
28)

Case No. 4:20-cv-01351-JST

Assigned to: Hon. Jon S. Tigar

AND ORDER
**STIPULATION REGARDING
SERVICE OF PROCESS ON
TOYOTA MOTOR CORPORATION**

Complaint Served: February 21, 2020

1 Plaintiff Mariano Alaniz and counsel for Defendant Toyota Motor Corporation
2 (“TMC”) have agreed to the following regarding the waiver of service and potential
3 discovery, and respectfully request the Court to adopt the following Stipulation:

4 1. Counsel for TMC agree to accept service on behalf of TMC, and TMC
5 agrees to waive the formalities of service under the Hague Service Convention in the
6 above-captioned litigation (“Litigation”) expressly conditioned upon the terms stated
7 below.

8 2. This agreement is limited to the above-captioned litigation and should not
9 be construed as an agreement by TMC to waive the requirements of the Hague Service
10 Convention in any other litigation.

11 3. TMC does not waive any other defenses, including the right to challenge
12 personal and subject matter jurisdiction and venue, or any objections to discovery
13 propounded on them. This Stipulation and Order do not prejudice any other positions
14 that TMC may later take in this Litigation. Plaintiffs agree they will not argue that
15 waiver or acceptance of service or negotiation of this Stipulation and Order supports
16 personal jurisdiction over TMC.

17 4. Plaintiffs agree that waiver of service does not constitute an agreement by
18 TMC to provide discovery, and TMC reserves the right to oppose or seek relief in
19 connection with discovery requests served on them. Nothing in this Stipulation and
20 Order shall prejudice TMC’s right to seek additional time to respond to discovery
21 requests. The parties agree as follows with regard to potential discovery of TMC:

22 a. Pending resolution of any Federal Rule of Civil Procedure Rule 12
23 motion filed by TMC, TMC shall not be required to serve substantive discovery
24 responses, produce documents or things, or appear for depositions. Plaintiffs may serve
25 discovery on TMC, and TMC will serve objections in accordance with the timing set
26 forth below, but will not be required to serve substantive responses, produce documents,
27 or appear for depositions until at least 60 days after resolution of the Rule 12 motions
28 (or longer if the timing provisions set forth below allows for a longer period).

1 b. If Plaintiffs serve discovery on TMC, Plaintiffs agree:

2 i. TMC's responses and objections to interrogatories shall be
3 due no earlier than 90 days after service of the interrogatories.

4 ii. TMC's responses and objections to all other written discovery
5 requests will be due no earlier than 60 days after service of the requests, and TMC shall
6 have 60 additional days to commence document production (to the extent the requests
7 were not objected to) following service of the responses and objections.

8 iii. Plaintiffs will provide at least 90 days' notice when
9 requesting a deposition of TMC pursuant to Federal Rule 30(b)(6) and any such
10 deposition of TMC will take place in Plano, Texas, or another reasonable location in
11 the United States, at TMC's discretion. Following resolution of any objections, the
12 parties will cooperate in good faith to accommodate any issues about the time and place
13 of any deposition.

14 WHEREFORE, Plaintiffs and TMC respectfully request that the Court enter
15 this Stipulation as an Order of the Court.

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18 **IT IS SO STIPULATED.**

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20 Dated: April 1, 2020

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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23 By: /s/ Rachel A. Straus

Rachel A. Straus

Michael L. Mallow

Attorneys for TMS

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26 Dated: April 1, 2020

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ L. Timothy Fisher

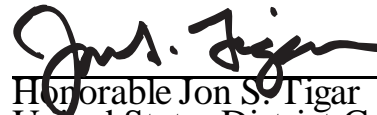
L. Timothy Fisher

Scott A. Bursor

Attorneys for Plaintiffs

SO ORDERED:

DATED: April 3, 2020



Honorable Jon S. Tigar
United States District Court Judge